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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/016,673

Filing Date: October 30, 2001

Appellant(s): DWECK ET AL.

Patrick J. Buckley
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed *January 18, 2007* appealing from the Office Action mailed October 3, 2005 and *Miscellaneous Action* mailed December 14, 2007.

Information Disclosure Statement

The information disclosure statement (IDS) submitted September 6, 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered and corresponding PTO-1449 has been electronically signed *and mailed November 8, 2006*.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Snow et al.: "METHOD AND APPARATUS FOR SEARCHING FOR DOCUMENTS STORED WITH A DOCUMENT DIRECTORY HIERARCHY", U.S. Patent 6,098,066, filed June 13, 1997 and issued September 21, 2004;

Anderson et al.: "SYSTEM AND METHOD FOR RETRIEVING INFORMATION FROM A DATABASE USING AN INDEX OF XML TAGS AND METAFILES", U.S. Patent 6,510,434, filed December 29, 1999 and issued January 21, 2003;

Beaulieu et al.: "INVESTMENT RESEARCH DELIVERY SYSTEM", U.S. Patent 5,502,637, filed June 15, 1994 and issued March 26, 1996; and

Husick et al.: "METHOD FOR CATEGORIZING DOCUMENTS INTO SUBJECTS USING RELEVANCE NORMALIZATION FROM AN INFORMATION RETRIEVAL SYSTEM IN RESPONSE TO A QUERY", U.S. Patent 5,717,914, filed September 15, 1995 and issued February 10, 1998.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims.

Claim Rejections - 35 USC § 103

(9)-a. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained although the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

(9)-b. Claims 1-2, 4-12, 15-19, 22, 25-26 are rejected are rejected under U. S. C. 103(a) as being unpatentable over Snow et al. (U. S. Patent 6, 098, 066, hereafter "Snow") in view of Anderson et al. (U. S. Patent 6, 510, 434, hereafter "Anderson").

As per claims 1 and 24, Snow teaches the following:

"receiving information from a content reader" (See col. 7, lines 60-62 wherein Snow's undirected search performed by a user consists of one or more search terms is equivalent to Applicant's receiving information from a content reader);

"establishing a set of content selection" categories "based on the received information, each content selection tag in the set being associated with a hierarchical" category "domain" (See the Abstract and col. 8, lines 49-58 wherein Snow's user's undirected search for category names corresponding to hierarchical directory paths is equivalent to Applicant's establishing a set of content selection ... based on the received information,

each content selection tag in the set being associated with a hierarchical ... domain);
and

“arranging for the content reader to receive an indication of a document in accordance with the set of content selection” categories (See Fig. 7, step 122 and col. 8, lines 49-58 wherein Snow’s all relevant category names searched and obtained are sorted by relevance is equivalent to Applicant’s arranging for the content reader to receive an indication of a document in accordance with the set of content selection ...).

Snow does not specifically teach selection tags, although Snow teaches category names for selection as previously described.

However Anderson teaches selection tags (See col. 2, line 53 - col. 3, line 7 wherein Anderson’s terms are associated with category tags for conveying information of a data and search terms and tags are associated with metafile in which tags are implemented in hierarchy is equivalent to Applicant’s selection tags).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Anderson’s teaching with the Snow reference because both references are directed to improve document searching and retrieving where Snow concerns the need of a more efficient method for searching a database and retrieving documents from the database in which relevant category names are obtained and sorted by relevance while Anderson specifically focuses searching the most relevant information and the combined teaching of the references would have enabled Snow’s system to search more efficient because only the most relevant information would have been retrieved.

The combined teaching of Snow and Anderson references further teaches “storing the set of content selection tags in association with the content reader” (See Snow: col. 2, lines 62-64 where categories are stored in category nodes within a data tree structure, and Anderson: col. 2, line 53 - col. 3, line 7 where tags are associated with metafile in which tags are implemented in hierarchy is equivalent to Applicant’s selection tags).

As per claim 2, the combined teaching of Snow and Anderson further teaches “wherein at least one tag domain comprises a multi-level domain, and at least one domain level is associated with a plurality of content selection tags” (See Anderson: col. 4, lines 34-43 wherein Anderson’s query terms are associated with category tags, a metafile contains list of tags, including hierarchy tags to establish a hierarchy of tags in the metafile is equivalent to Applicant’s wherein at least one tag domain comprises a multi-level domain, and at least one domain level is associated with a plurality of content selection tags).

As per claim 4, the combined teaching of Snow and Anderson further teaches “wherein at least one content selection tag is associated with at least one of: i. a sector, ii. an industry, ... ” (See Anderson: col. 8, lines 13-50 and col. 10 lines 24-50 wherein Anderson’s e-commerce of automobile industry utilizes tags for selecting related products and classifications is equivalent to Applicant’s wherein at least one content selection tag is associated with at least one of: i. a sector, ii. an industry, ...).

As per claim 5, the combined teaching of Snow and Anderson further teaches "receiving an indication of the set of content selection tags via a graphical user interface" (See Snow: col. 6, lines 65-67 and col. 1, lines 23-25 wherein Snow's web page is the GUI interface for user to query and search, and Anderson: col. 4, lines 34-51 wherein Anderson's tags are utilized to search is equivalent to Applicant's receiving an indication of the set of content selection tags via a graphical user interface).

As per claim 6, the combined teaching of Snow and Anderson further teaches "wherein content selection tags are further associated with Boolean operations in accordance with the information received from the content reader" (See Snow: col. 7, lines 62-67 wherein Snow's document vectors are compared, and Anderson: col. 4, lines 34-51 wherein Anderson's tags are utilized to search is equivalent to Applicant's wherein content selection tags are further associated with Boolean operations in accordance with the information received from the content reader).

As per claim 7, the combined teaching of Snow and Anderson further teaches "wherein the set of content selection tags is adapted to facilitate selection of the document in accordance with a set of document tags" (See Snow: col. 8, lines 49-58 users are enabled to select appropriate categories, alter the terms and re-run the search, and Anderson: col. 4, lines 34-51 wherein Anderson's tags are utilized to search

is equivalent to Applicant's wherein the set of content selection tags is adapted to facilitate selection of the document in accordance with a set of document tags).

As per claim 8, the combined teaching of Snow and Anderson further teaches "wherein the set of documents tags are established in accordance with information received from a content publisher via a graphical user interface" (See Snow: Fig. 2 and col. 8, lines 49-60 wherein Snow's users are enabled to select appropriate category name being displayed, and Anderson: col. 4, lines 34-51 wherein Anderson's tags are utilized to search is equivalent to Applicant's wherein the set of documents tags are established in accordance with information received from a content publisher via a graphical user interface).

As per claim 9, the combined teaching of Snow and Anderson further teaches "wherein document tags are associated with hierarchical tag domains substantially similar to the tag domains associated with the set of content selection tags" (See Anderson: col. 4, lines 44-50 wherein Anderson's domain and category tags are associated with records and a set of tags are identified and compiled to correspond the search request is equivalent to Applicant's wherein document tags are associated with hierarchical tag domains substantially similar to the tag domains associated with the set of content selection tags).

As per claim 10, the combined teaching of Snow and Anderson further teaches "wherein at least one document tag comprises at least one of: (i) a primary tag, or (ii) a secondary" (See Anderson: col. 4, lines 44-50 wherein Anderson's domain and category tags are associated with records and a set of tags are identified, compiled and indexed as a key to correspond the search request is equivalent to Applicant's wherein at least one document tag comprises at least one of: (i) a primary tag, or (ii) a secondary).

As per claim 11, the combined teaching of Snow and Anderson further teaches "wherein the document comprises content to be provided to a user via a communication network" (See Anderson: Fig. 1A, elements 26, 37, 43 and col. 5, lines 31-45 and col. 6, lines 21-28 wherein Anderson's document search is implemented on a network environment is equivalent to Applicant's wherein the document comprises content to be provided to a user via a communication network).

As per claim 12, the combined teaching of Snow and Anderson further teaches "wherein the communication network comprises at least one of: (i) the Internet, (ii) an intranet, (iii) a public network, (iv) a public switched telephone network, (v) a proprietary network, (vi) a wireless network, or (vii) a local area network" (See Anderson Fig. 1A, elements 26, 37, 43 and col. 5, lines 31-45 and col. 6, lines 21-28 wherein Anderson's document search is implemented on a local area network environment is equivalent to Applicant's wherein the communication network comprises at least one of: (i) the

Internet, (ii) an intranet, (iii) a public network, (iv) a public switched telephone network, (v) a proprietary network, (vi) a wireless network, or (vii) a local area network).

As per claim 15, the combined teaching of Snow and Anderson further teaches "further comprising: transmitting the document to the content reader" (See Anderson Fig. 1A, elements 26, 37, 42-43 and col. 5, lines 31-45 and col. 6, lines 21-28 wherein Anderson's document search is implemented on a network environment where client receives query result via PSTN is equivalent to Applicant's transmitting the document to the content reader).

As per claim 16, the combined teaching of Snow and Anderson further teaches "wherein said transmitting is performed via at least one of: (i) a content controller, (ii) a content publisher, (iii) a content reader, (iv) a personal computer, (v) a server, (vi) a portable computing device, (vii) a wireless telephone, (viii) a Web site, or (ix) an electronic mail message" (See Anderson Fig. 1A, elements 26, 37, 41-43 and col. 5, lines 31-45 and col. 6, lines 21-28 wherein Anderson's client computer is connected via area network is equivalent to Applicant's wherein said transmitting is performed via at least one of: (i) a content controller, (ii) a content publisher, (iii) a content reader, (iv) a personal computer, (v) a server, (vi) a portable computing device, (vii) a wireless telephone, (viii) a Web site, or (ix) an electronic mail message).

As per claim 17, the combined teaching of Anderson and Snow references further teaches "wherein the set of content selection tags is associated with at least one of: (i) a content reader request, or (ii) an entitlement tag" (See Snow: col. 8, lines 49-58 wherein Snow's category names are utilized for search, and Anderson: col. 4, lines 44-50 wherein Anderson's domain and category tags are associated with records and a set of tags are identified and compiled to correspond the search request).

As per claim 18, the combined teaching of Snow and Anderson references further teaches "set of content selection tags is further stored in association with a reader-defined name" (See Snow: col. 2, lines 62-64 and col. 3, lines 15-16 where categories are stored in category nodes identified by node names within a data tree structure, and Anderson: col. 2, line 53 - col. 3, line 7 where tags are associated with metafile in which tags are implemented in hierarchy is equivalent to Applicant's selection tags).

As per claim 19, the combined teaching of Snow and Anderson further teaches the following:

"receiving additional information from the content reader" (See Snow: col. 8, lines 57-58 wherein Snow's user may select appropriate categories, alter the search term and re-run the search is equivalent to Applicant's receiving additional information from the content reader);

"establishing a second set of content selection tags based on the additional information" (See Snow: col. 8, lines 57-58 wherein Snow's user may select appropriate categories,

alter the search term and re-run the search is equivalent to Applicant's establishing a second set of content selection tags based on the additional information, and Anderson: col. 4, lines 34-51 wherein Anderson's tags are utilized to search is equivalent to Applicant's establishing a second set of content selection tags based on the additional information); and

"storing the second set of content selection tags in association with the content reader, wherein other sets of content selection tags are stored in association with the other content reader" (See Snow: col. 2, lines 62-64 and col. 3, lines 15-16 where categories are stored in category nodes identified by node names within a data tree structure, and Anderson: col. 2, line 53 - col. 3, line 7 where tags are associated with metafile in which tags are implemented in hierarchy is equivalent to Applicant's selection tags).

As per claim 22, the combined teaching of Snow and Anderson further teaches the following:

"receiving additional information from the content reader" (See Snow: col. 8, lines 57-58 wherein Snow's user may select appropriate categories, alter the search term and re-run the search is equivalent to Applicant's receiving additional information from the content reader); and

"storing a modified set of content selection tags in association with the content reader based on the additional information" (See Snow: col. 2, lines 62-64 and col. 3, lines 15-42 where categories are stored in category nodes identified by node names and including nodetype, nodeID, parentID and linkID within a data tree structure, and

Anderson: col. 2, line 53 - col. 3, line 7 where tags are associated with metafile in which tags are implemented in hierarchy is equivalent to Applicant's selection tags).

As per claim 25, the combined teaching of Snow and Anderson further teaches "storage device further stores at least one of: (i) a tag database, (ii) a document database, or (iii) a content reader database" (See Anderson: Fig. 1B and col. 6, lines 26-28 wherein Anderson's a content database is implemented for query and search is equivalent to Applicant's storage device further stores at least one of: (i) a tag database, (ii) a document database, or (iii) a content reader database).

As per claim 26, the combined teaching of Snow and Anderson further teaches "a communication device coupled to said processor and adapted to communicate with at least one of: (i) a content publishing device, (ii) a document storage device, (iii) a content controller, (iv) a content reader device, or (v) a payment device" (See Anderson: Fig. 1B and col. 6, lines 26-28 wherein Anderson's a content database is implemented for storing document is equivalent to Applicant's a communication device coupled to said processor and adapted to communicate with at least one of: (i) a content publishing device, (ii) a document storage device, (iii) a content controller, (iv) a content reader device, or (v) a payment device).

(9)-c. Claims 3, 13, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Snow et al. (U. S. Patent 6, 098, 066, hereafter "Snow") in view of

Anderson et al. (U. S. Patent 6, 510, 434, hereafter "Anderson"), as applied to claims 1, 11 and 19 above, and further in view of Husick et al. (US Patent 5, 717, 914, hereafter "Husick").

As per claim 3, the combined teaching of Snow and Anderson further teaches "wherein at least one content selection tag is associated with at least one of (i) a content author, (ii) a content date, or (iii) a content type", although Anderson teaches utilizing tags for searching at col. 4, lines 34-51).

However, Husick teaches wherein at least one content selection tag is associated with at least one of (i) a content author, (ii) a content date, or (iii) a content type" (See Figs. 4s-5 and col. 3, lines 61-65 wherein Husick's textual document and multi-media files corresponding a search topic are identified is equivalent to Applicant's (i) a content author, (ii) a content date, or (iii) a content type).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Husick's teaching with the Anderson and Snow references by associating tags with search content topics because all references are devoted to content search by utilizing content categories and content tags where Snow and Anderson are combined to teach searching more efficiently while Husick is dedicated to tracking user demographics and query searches and the further combined teaching of the three references would have enabled Snow and Anderson's system to narrow the scope of most relevant information such that Snow and Anderson's system would have

been able to search even more efficient because only the narrower scope of the most relevant information would have been retrieved.

As per claim 13, the combined teaching of Husick, Anderson and Snow references further teaches "wherein the document comprises at least one of: (i) text content, (ii) image content, (iii) audio content, or (iv) executable content" (See Husick: Figs. 4s-5 and col. 3, lines 61-65 wherein Husick's textual document and multi-media files corresponding a search topic are implemented is equivalent to Applicant's wherein the document comprises at least one of: (i) text content, (ii) image content, (iii) audio content, or (iv) executable content).

As per claim 20, the combined teaching of Husick, Anderson and Snow references further teaches "wherein the first set of content selection tags is associated with a first portion of a reader display and the second set of content selection tags is associated with a second portion of the reader display" (See Husick: Fig. 4s and col. 15, lines 28-37 wherein Husick's efficiently display multiple documents to a user by displaying the documents simultaneously, and Anderson: col. 4, lines 34-51 wherein Anderson's tags are utilized for searching is equivalent to Applicant's wherein the first set of content selection tags is associated with a first portion of a reader display and the second set of content selection tags is associated with a second portion of the reader display).

As per claim 21, the combined teaching of Husick, Anderson and Snow references further teaches the following:

“receiving from the content reader a selection of one at least of the first and second sets of content selection tags” (See Snow: col. 8, lines 49-58 wherein Snow’s user may select appropriate search categories, alter search terms and re-run the search, and Anderson: col. 4, lines 34-51 wherein Anderson’s tags are utilized for searching is equivalent to Applicant’s receiving from the content reader a selection of one at least of the first and second sets of content selection tags); and

“transmitting to the content reader an indication of a document in accordance with the selected set of content selection tags” (See Snow: col. 8, lines 49-58 wherein Snow’s user may select appropriate search categories, alter search terms and re-run the search, and Anderson: col. 4, lines 34-51 wherein Anderson’s tags are utilized for searching is equivalent to Applicant’s transmitting to the content reader an indication of a document in accordance with the selected set of content selection tags).

(9)-d. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snow et al. (U. S. Patent 6, 098, 066, hereafter “Snow”) in view of Anderson et al. (U. S. Patent 6, 510, 434, hereafter “Anderson”) and Beaulieu et al. (US Patent 5, 502, 637, hereafter “Beaulieu”).

As per independent claim 23, Snow teaches the following:

“receiving from a content reader an indication of a first content selection” category set “via a graphical user interface, the first content selection” category set “being adapted to facilitate identification of a first investment research document in accordance with a first document” category set (See col. 8, lines 49-58 and Abstract wherein Snow’s user’s undirected search for category names corresponding to hierarchical directory is equivalent to Applicant’s receiving from a content reader an indication of a first content selection category set via a graphical user interface, the first content selection category set being adapted to facilitate identification of a first investment research document in accordance with a first document” category set).

However Anderson teaches selection tags (See col. 2, line 53 - col. 3, line 7 wherein Anderson’s terms are associated with category tags for conveying information of a data and search terms are further associated with tags is equivalent to Applicant’s selection tags).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Anderson’s teaching with the Snow reference because both references are directed to improve document searching and retrieving where Snow concerns the need of a more efficient method for searching a database and retrieving documents from the database in which relevant category names are obtained and sorted by relevance while Anderson specifically focuses searching the most relevant information and the combined teaching of the references would have enabled Snow’s system to search more efficient because only the most relevant information would have been retrieved.

The combined teaching of Snow and Anderson references further teaches the following:

"storing the first content selection tag set in association with the first reader-defined name" (See Snow: col. 2, lines 62-64 and col. 3, lines 15-42 where categories are stored in category nodes identified by node names, and Anderson: col. 2, line 53 - col. 3, line 7 where tags are associated with metafile in which tags are implemented in hierarchy is equivalent to Applicant's selection tags);

"receiving from the content reader an indication of a second content selection tag set, the second content selection tag set being adapted to facilitate identification of a second" ... "document in accordance with a second document tag set" (See Snow: col. 8, lines 48-60 wherein Snow's user's undirected search for category names corresponding to hierarchical directory and user may select appropriate categories, alter search terms and re-run the search, and Anderson: col. 2, line 53 - col. 3, line 7 wherein Anderson's terms are associated with category tags for conveying information of a data and search terms are further associated with tags is equivalent to Applicant's receiving from the content reader an indication of a second content selection tag set, the second content selection tag set being adapted to facilitate identification of a second document in accordance with a second document tag set); and

"storing the second content selection tag set in association with the second reader-defined name" (See Snow: col. 4, lines 35-41, col. 2, lines 62-64 and col. 3, lines 15-42 where new categories are stored in category nodes identified by node names and category names are defined by user, and Anderson: col. 5, lines 31-49 col. 6 line 61 –

col. 7, line 4 extensively teaches utilizing system memory and disk drives for storage and running programs, and further teaches deliver specific result to specific user in a multi-user environment).

The combined teaching of Anderson and Snow references does not specifically teach investment research for the document selected by query search as previously described.

However, Beaulieu does teach investment research for the document selected by query search (See col. 1, lines 19-24 wherein Beaulieu's investment research reports are the investment research for the document selected by query search).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Beaulieu's teaching with the Anderson and Snow references by including the investment research reports to user's query because all references are directed to querying and receiving query result and the further combination of teachings of utilizing content categories and content tags, real-time access and distributing documents from the references would have enabled the search systems to search more efficient because only the most relevant information would have been retrieved and, to provide and deliver current documents more closely match user's interest level and location. (See Beaulieu: col. 1, lines 48-51 and col. 2, lines 44-51).

The combined teaching of Beaulieu, Anderson and Snow references further teaches the following:

"arranging for an indication of the first investment research document to be displayed via a first portion of a content reader display" (See Snow: Figs. 2, 7, step, 122, col. 5,

lines 46-67, col. 5, lines 46-67 and col. 8, lines 49-48 wherein Snow's all relevant category names searched and obtained are sorted by relevance and class hierarchy is displayed to the user, and Beaulieu: col. 1, lines 19-24 wherein Beaulieu's investment research reports are the investment research for the document selected by query search and displayed by selection criteria or view terms and displayed by selection criteria or view terms is equivalent to Applicant's arranging for an indication of the first investment research document to be displayed via a first portion of a content reader display); and

"arranging for an indication of the second investment research document to be displayed via a second portion of a content reader display" (See Snow: Figs. 2, 7, step, 122, col. 5, lines 46-67, col. 5, lines 46-67 and col. 8, lines 49-48 wherein Snow's all relevant category names searched and obtained are sorted by relevance, and Beaulieu: col. 1, lines 19-24 wherein Beaulieu's investment research reports are the investment research for the document selected by query search and displayed by selection criteria or view terms is equivalent to Applicant's arranging for an indication of the second investment research document to be displayed via a second portion of a content reader display).

(9)-e. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Snow et al. (U. S. Patent 6, 098, 066, hereafter "Snow") in view of Anderson et al. (U. S. Patent 6, 510, 434, hereafter "Anderson") as applied to claims 1, 7 and 11 above, and further in view of Beaulieu et al. (US 5, 502, 637, hereafter "Beaulieu").

As per claim 14, the combined teaching of Anderson and Snow references does not teach “wherein the content comprises at least one of: (i) financial information, (ii) financial news, (iii) information about financial events, (iv) investment information, or (v) market information”.

However, Beaulieu teaches “wherein the content comprises at least one of: (i) financial information, (ii) financial news, (iii) information about financial events, (iv) investment information, or (v) market information” (See col. 1, lines 19-24 wherein Beaulieu’s investment research reports is equivalent to Applicant’s investment information).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Beaulieu’s teaching with the Anderson and Snow references by including the investment research reports to user’s query because all references are directed to querying and receiving query result and the further combination of teachings of utilizing content categories and content tags, real-time access and distributing documents from the references would have enabled the search systems to search more efficient because only the most relevant information would have been retrieved and, to provide and deliver current documents more closely match user’s interest level and location. (See Beaulieu: col. 1, lines 48-51 and col. 2, lines 44-51).

(9)-f. The prior art made of record

A. U. S. Patent No. 6,098, 066

B. U. S. Patent No. 6,510,434

C. U. S. Patent No. 5,717,914

E. U. S. Patent No. 5,502,637

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

D. U. S. Patent No. 6,266,682

F. U. S. Patent No. 5,737,739

(10) Response to Argument

(a). At Pages 5-7 of Appeal Brief, concerning claims 1-2, 4-12, 15-19, 22, 25-26, Applicant alleged that Examiner failed to establish a *prima facie* case of obviousness by combining Anderson and Snow references.

As to the above allegation **(a)**, Examiner respectfully submits that both Snow and Anderson references are directed to improve document searching and retrieving where Snow concerns the need of a more efficient method for searching a database and retrieving documents from the database in which relevant category names are obtained and sorted by relevance while Anderson specifically focuses searching the most relevant information and the combined teaching of the references would have enabled Snow's system to search more efficiently because only the most relevant information would have been retrieved and searched. Concerning the element "storing the set of content selection tags in association with the content reader", please note that the

combined teaching of Snow and Anderson references teaches the element by showing categories are stored in category nodes within a data tree structure (Snow: col. 2, lines 62-64) and tags are associated with metafile in which tags are implemented in hierarchy is equivalent to Applicant's selection tags (Anderson: col. 2, line 53 - col. 3, line 7).

Based the strong motivation and suggestion are directly cited from the Backgrounds and Summary of the references, the combining of teachings from references and compensating deficient features between the references further guarantees the reasonable level of expectation of success of combining the teachings.

(b). At Pages 7-8 of Appeal Brief, concerning claim 18, Applicant argued that storing content selection tags "in association with a reader-defined name" is not taught by the references.

As to the above argument **(b)**, Examiner respectfully submits that Snow teaches storing categories in category nodes with a hierarchy of data structure where category name is used (See col. 2, lines 62-64 and col. 3, lines 15-16) and Anderson further establishes an equivalence between categories and selection tags by associating category tags where tags are further associated with metafile in which tags, including category tags, are implemented in hierarchy data structure (col. 2, line 53 - col. 3, line 7).

(c). At Page 8 of Appeal Brief, concerning claim 19, Applicant further argued that the cited reference failed to teach storing “a second set of content selection tags” for the content reader”.

As to the above argument (c), Examiner respectfully submits that the combined teaching of Snow and Anderson references teaches the element by showing categories and sub-categories are stored in category nodes within a data tree structure, noting that a plurality set of categories or sub-categories are stored, (Snow: col. 2, lines 62-64) and tags are associated with metafile in which tags are implemented in hierarchy is equivalent to Applicant's selection tags (Anderson: col. 2, line 53 - col. 3, line 7).

(d). At Page 9 of Appeal Brief, concerning claim 20, Applicant continued to argue that Husick reference does not teach the first portion of a reader display associated with the first selection tags and the second portion of a reader display associated with the second selection tags.

As to the above argument (d), Examiner respectfully submits that Husick does teach displaying different selection tags on different and separate portions on the display. Take Fig. 4A as an example, a first set of selection tags (New Search, Save, ..., Spell Check) and a second set of selection tools (ALL NONE, Newspaper, ..., TV/Radio) are displayed at different and separate portions of the display.

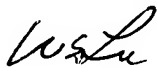
(11) Related Proceeding(s) Appendix

None.

Art Unit: 2167

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Kuen S. Lu, 

Examiner, Art Unit 2167


June 19, 2007

Conferees:


John R. Cottingham,

Supervisory Patent Examiner,

June 19, 2007



JOHN COTTINGHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100



Lynne H. Browne,

Supervisory Patent Examiner,

June 19, 2007